

**FEDERAL COMMUNICATIONS COMMISSION**  
**445 12<sup>th</sup> STREET, SW**  
**WASHINGTON, DC 20554**

**MEDIA BUREAU**  
**AUDIO DIVISION**  
**APPLICATION STATUS:** (202) 418-2730  
**HOME PAGE:** [www.fcc.gov/mb/audio/](http://www.fcc.gov/mb/audio/)

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May 26, 2011

Elijah Mondy, Jr.  
204 Moore Street  
Helena, AR 72342

Re: KJIW-FM, Helena, Arkansas  
Elijah Mondy, Jr.  
Facility ID No. 19237  
File No. BPH-20110314ABW

Dear Applicant:

This letter is in reference to construction permit application BPH-20110314ABW (the "Application") for FM station KJIW-FM, Helena, Arkansas. In the Application, you propose to change the KJIW-FM antenna and assignment site coordinates, station class (from Class C3 to Class C2), effective radiated power and antenna height, and to use a directional antenna.

Our engineering study reveals that the proposed channel 233C2 assignment site specified in the Application fails to meet the minimum distance separation requirements of Section 73.207 of the Commission's Rules.<sup>1</sup> Specifically, the proposed KJIW-FM channel 233C2 assignment site is short-spaced to the licensed facilities of first-adjacent channel FM station WBAD(FM), channel 232C2, Leland, Mississippi. The required spacing between the proposed channel 233C2 assignment site and the licensed WBAD(FM) transmitter site is 130 kilometers; the actual spacing between them is 129.4 kilometers. Therefore, an amendment to the Application specifying an assignment site that is fully spaced to WBAD(FM), as well as to all other authorized and proposed FM stations, is required and must be filed within 30 days of the date of this letter..

Pursuant to Section 17.4(a) of the Commission's Rules,<sup>2</sup> any proposed construction of a new antenna structure or proposed alteration of an existing antenna structure that requires Federal Aviation Administration (FAA) notification also requires registration with the Commission prior to construction or alteration. Our records indicate that the proposed antenna structure has not been

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<sup>1</sup> 47 C.F.R. § 73.207.

<sup>2</sup> 47 C. F. R. § 17.4(a).

registered. FCC antenna structure registration may be accomplished electronically via the Internet at <http://wireless.fcc.gov/antenna/>, or by sending a completed FCC Form 854, *Application for Antenna Structure Registration*, to:

Federal Communications Commission  
Information Processing Branch  
1270 Fairfield Road  
Gettysburg, PA 17325-7245.

Following FCC registration of the antenna structure, a curative amendment to application BPH-20110314ABW, which includes the FCC antenna structure registration number, must be submitted to the Commission. If the antenna structure cannot be registered with the Commission within 90 days of the date of this letter, the applicant must notify the Commission, in writing, concerning the delay.<sup>3</sup> In the event that further difficulties with the registration process occur following the applicant's initial response to this letter, the applicant must provide the Commission with written updates concerning the structure registration process every 60 days thereafter.<sup>4</sup>

The instant application also requires an assessment to determine applicability of the Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process (See *Report and Order* FCC 04-222 released October 5, 2004).<sup>5</sup> The applicant must complete the Section 106 Review Process in accordance with Sections 1.1306 and 1.1307 of the Commission's Rules.<sup>6</sup> Section 1.1307(a)(4) of the Commission's Rules<sup>7</sup> specifies the requirement to follow the procedures set forth in the rules of the Advisory Council on Historic Preservation.<sup>8</sup> Upon completion, the applicant shall electronically file an amendment, including the environmental certification and a statement summarizing the results of the Section 106 Review. The applicant may use the Agreements incorporated as Appendices B and C to Part 1 of the Commission's Rules to determine whether the undertaking is excluded from Section 106 Review. If the proposal is not excluded, the applicant may use the Tower Construction Notification System to notify Tribal Historic Preservation Offices. Use FCC Form 620 to notify

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<sup>3</sup> If the structure cannot be registered within the initial 90 day period, the first response to this letter shall be filed in triplicate with the Secretary of the Commission, and shall contain a specific narrative of the actions taken to obtain FAA approval and FCC antenna structure registration. The response shall include copies of all correspondence between the FAA, the applicant, and the applicant's agents.

<sup>4</sup> Each 60 day update shall be filed in triplicate with the Secretary of the Commission, and shall report specific actions toward securing FAA approval and FCC antenna structure registration taken by the applicant and its agents since the filing of the previous report.

<sup>5</sup> The Agreement is incorporated as Appendix C to Part 1 of the Commission's Rules.

<sup>6</sup> 47 C.F.R. § 1.1306 and § 1.1307.

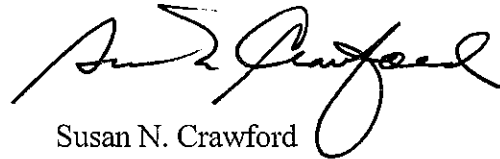
<sup>7</sup> 47 C.F.R. § 1.1307(a)(4).

<sup>8</sup> 36 C.F.R., Part 800.

the State Historic Preservation Office of a proposal for a new tower or FCC Form 621 for proposed collocation.

Further action on the Application will be withheld for a period of 90 days from the date of this letter to provide the applicant an opportunity to respond. Failure to respond within this time period or to provide written updates as required will result in the dismissal of the Application pursuant to Section 73.3568(a)(1) of the Commission's Rules.<sup>9</sup> Please note that any amendment must be signed in the same manner as the original application.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan N. Crawford", written in a cursive style.

Susan N. Crawford  
Assistant Chief  
Audio Division  
Media Bureau

cc: Edward Czelada

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<sup>9</sup> 47 C.F.R. § 73.3568(a)(1).